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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,637	02/27/2002	Craig Mayo	3691-368	1812

7590 06/02/2004

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EXAMINER	
CHILCOT, RICHARD E	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,637	MAYO ET AL.	
	Examiner	Art Unit	
	Richard E. Chilcot, Jr.	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over With regards to claim 1, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line

46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+. Col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one having ordinary skill in the art at the time of the invention, that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 2-4, it would have been obvious for the skilled artisan to order replacement parts from the appropriate sources to bill for services and the parts, accordingly.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Busche.

The method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis regarding warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handing vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify the method of Li to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche,

to help provide retailers with a better understanding of the products and warranty claims that occur.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Busche.

With regards to claims 8 and 12, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+. Col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one having ordinary skill in the art at the time of the invention, that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 10 and 11, the method includes ordering replacement parts from the appropriate sources to bill for services and the parts (col. 8, line 9+).

The method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis concerning the warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handing vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify the method of Li to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

Response to Arguments

Concerning applicants' argument that Li. fails to teach or suggest differentiating between a, b and c, the examiner is of another opinion. Any warranty repair always includes a determination on whether the repairs needed are based upon a manufacturer's defect, a material defect or a non-covered usage of the item. Accordingly, such determinations are always present in the warranty repair environment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard E. Chilcot, Jr.
Primary Examiner
Art Unit 3627